

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| BARAKA SMITH, | : | Dkt. No. 14-cv-04982 (JBW)(RLM) |
| | : | |
| Plaintiff, | : | DECLARATION OF |
| | : | PAMELA D. HAYES, ESQ., |
| -against- | : | COUNSEL FOR PLAINTIFF |
| | : | BARAKA SMITH, IN |
| THE CITY OF NEW YORK, | : | OPPOSITION TO |
| | : | DEFENDANT'S MOTION FOR |
| Defendant. | : | <u>SUMMARY JUDGMENT</u> |

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PAMELA D. HAYES, declares that the following is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746.

1. I represent Plaintiff, Baraka Smith.
2. I submit this declaration in opposition to Defendant's Motion for Summary Judgment.
3. Annexed to Plaintiff's Response to Defendant's Local Rule 56.1 Statement of Undisputed and Disputed Material Facts as Exhibits "1" through "28" are excerpts of transcripts of depositions taken in this action, a transcript of the 50-H Hearing where Mr. Corallo testified, copies of documents that are maintained in the ordinary course of the Fire Department of the City of New York's ("FDNY") business as well as the City of New York EEO policy which are

relied upon and cited, and submitted herewith in support of Plaintiff's Motion in Opposition to Summary Judgment. Copies of these documents are annexed as follows:

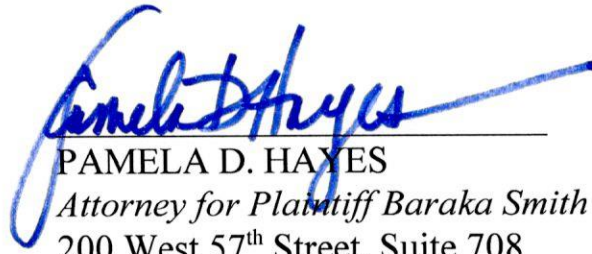
EXHIBITS

1. Excerpts of the City of New York EEO Rules and Regulations.
2. Complaint given to FDNY from plaintiff.
3. Letter from FDNY saying they could not do anything about Plaintiff's complaint.
4. Deposition testimony of plaintiff regarding filing a complaint.
5. Excerpts of plaintiff's deposition transcript, regarding plaintiff being called "sugar/brown sugar".
6. Plaintiff's testimony on bias.
7. Excerpt of Corallo deposition testimony and diagram, and 50-H hearing testimony.
8. Excerpt of plaintiff's deposition testimony regarding the sexual assault.
9. Excerpt of deposition testimony of the fight.
10. Corallo's deposition testimony regarding the telephone call.
11. Plaintiff's deposition testimony excerpt speaking about how he felt after the incident.
12. Deposition excerpt of Corallo's and plaintiff's testimony, regarding the run.

13. Excerpt of transcript regarding Firefighter DeFreitas.
14. Grand Jury excerpt of Chief Riordan testimony.
15. Deposition transcript of plaintiff, regarding Order to go see FDNY medical.
16. Dr. Degennaro comment to BITS regarding Corallo's injuries.
17. Corallo's deposition regarding his wife -- call to 311.
18. Corallo's Complaint to 75th Precinct.
19. E-CAB Complaint, KCDAO.
20. DA Reduction documents.
21. ACD with Immediate Sealing.
22. FDNY Unusual Occurrence Report, placing plaintiff on medical leave.
23. NYCHRC documentation proof of plaintiff's filing and testimony.
24. Front page of Corallo's civil complaint and DA discovery list.
25. Daily News article with FDNY Commissioner and KCDA Hynes on Hazing.
26. Excerpt of deposition testimony of Corallo.
27. Plaintiff's deposition testimony regarding being passed over for the Lieutenant exam.
28. Excerpt from Corallo's deposition testimony, and Answer to plaintiff's Interrogatories.

29. Testimony on promotion.
30. Plaintiff's deposition testimony on homosexual hazing.
31. Corallo's admission of no imminent work place violence.

Respectfully submitted,



PAMELA D. HAYES

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